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## Freedom in the World 2010 - Congo, Democratic Republic of (Kinshasa)

**Capital:** Kinshasa

**Population:** 68,693,000

Political Rights Score: 6 \*

Civil Liberties Score: 6 \*

Status: Not Free

Trend Arrow ↓

The Democratic Republic of Congo received a downward trend arrow due to the government's continued harassment of human rights groups and an increasingly dangerous working environment for journalists.

### Overview

The government undertook several military operations against militia groups in the east in 2009, but civilians suffered widespread displacement and abuses as a result of the intensified fighting, including at the hands of the Congolese army. National Assembly speaker Vital Kamerhe, a vocal critic of the government's military actions, was forced to resign amid growing indications that President Joseph Kabila was seeking to centralize power. Opposition politicians, human rights activists, and the press continued to be targeted for attacks and harassment, and the third journalist in as many years was killed in the eastern city of Bukavu.

The king of Belgium claimed a vast area of Central Africa as his private colony in the late 19th century, and the territory was exploited with a brutality that was extreme even for the imperialist era. After it gained independence from Belgium in 1960, the country became an arena for Cold War rivalries, and Colonel Joseph Mobutu seized power with CIA backing in 1965. Mobutu changed the country's name from the Democratic Republic of Congo (DRC) to Zaire in 1971, renamed himself Mobutu Sese Seko, and assumed dictatorial powers.

Mobutu largely overcame pressure to open up the political process following the end of the Cold War, but after the 1994 genocide in neighboring Rwanda, the Rwandan and Ugandan governments turned their cross-border pursuit of Rwandan Hutu militia members into an advance on Kinshasa. Rwandan troops, accompanied by representatives of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), a coalition led by former Zairian rebel leader Laurent-Desire Kabila, entered eastern Zaire

in October 1996 and reached Kinshasa in May 1997; Mobutu fled to Morocco, where he died. Kabila declared himself president and changed the country's name back to the Democratic Republic of Congo.

Relations between Kabila and his Rwandan and Ugandan backers deteriorated after he ordered all foreign troops to leave the DRC in 1998. Rwanda intervened in support of a newly formed rebel group, the Congolese Rally for Democracy (RCD), but the DRC government was defended by Angolan, Namibian, and Zimbabwean troops. Uganda later backed a rival rebel group, the Movement for the Liberation of the Congo (MLC), establishing control over the northern third of the DRC, while the RCD held much of the eastern Kivu region. The country's vast mineral wealth spurred the involvement of multinational companies, criminal networks, and other foreign governments.

Military stalemate led to the signing of the Lusaka Peace Agreement in 1999. The accord called for a ceasefire, the deployment of UN peacekeepers, the withdrawal of foreign troops, and a transitional government. Kabila drew international criticism for blocking the deployment of UN troops and suppressing internal political activity. He was assassinated in 2001 and succeeded by his son Joseph, who revived the peace process. The Sun City Peace Agreement, signed in South Africa in 2002, led to the creation of a transitional government in 2003 and a formal end to the war.

A new constitution was passed by the bicameral transitional legislature and approved by referendum in 2005. Presidential and legislative elections, the first multiparty polls since independence, were held in 2006. Despite daunting logistical challenges, the elections were largely peaceful and drew a voter turnout of over 70 percent. Kabila's People's Party for Reconstruction and Democracy (PPRD) gained the most seats in the National Assembly, the legislature's lower house, but fell short of an outright majority. In a field of 33 presidential candidates, Kabila won about 45 percent of the vote. He then won the runoff against MLC leader and transitional vice president Jean-Pierre Bemba.

Following the elections, two broad alliances emerged in the 500-seat National Assembly: the Alliance of the Presidential Majority (AMP), comprising 332 seats, and the opposition Union for the Nation (UpN), comprising 116 seats. Eleven provincial assemblies voted in the January 2007 Senate elections, granting the AMP 58 seats and the UpN 21. Gubernatorial polls that year handed 10 governorships to AMP-affiliated candidates and one to the UpN. In March 2007, fighting broke out in Kinshasa between the authorities and Bemba loyalists. Bemba went into exile in Europe, adding to doubts as to whether Kabila would allow genuine political pluralism.

In September 2008, Prime Minister Antoine Gizenga resigned amid growing tensions with the president, though he cited health concerns. Kabila appointed Adolphe Muzito, a member of Gizenga's Unified Party for Lumumba (PALU), to replace him.

Despite the 2002 peace agreement, competition to control earnings from the country's massive deposits of cobalt, diamonds, coltan, gold, and copper continued to fuel fighting in the eastern DRC, internally displacing at least 1.2 million people, according to the United Nations. In January 2008, a peace agreement was signed between the government and 22 armed groups operating in the east. Notably, the agreement did not include the Rwandan government or the Democratic Liberation Forces of Rwanda (FDLR), an ethnic Hutu-dominated militia group led by perpetrators of the 1994 Rwandan genocide who had fled to the DRC. Heavy fighting broke out in August 2008 between government troops and the ethnic Tutsi rebel leader Laurent Nkunda's National Congress for the Defense of the People (CNDP), which allegedly received Rwandan government backing, leading to further civilian displacement and human rights abuses.

Relations between the Congolese and Rwandan governments began to improve significantly in late 2008, and the two governments signed an agreement to begin a joint military operation against the FDLR. The operation, which lasted from January to February 2009, coincided with the surprise arrest in Rwanda of the CNDP's Nkunda. Rwandan authorities agreed to extradite him to the DRC, but this had not yet occurred

at year's end. The DRC also embarked on a joint military operation with Uganda from December 2008 to March 2009 to pursue the Lord's Resistance Army (LRA), a Ugandan rebel group.

Kabila made the decision to proceed with the joint operations without informing the National Assembly, and this drew criticism from figures including the chamber's speaker, PPRD member Vital Kamerhe. The AMP boycotted the opening of the National Assembly in March after Kamerhe rejected calls for his resignation, but he relented later that month, announcing that he would establish a new political party. Evariste Boshab of the PPRD was elected as the new speaker, though the opposition alleged vote fraud by the AMP.

Meanwhile, with Nkunda under arrest in Rwanda, the Congolese government and the CNDP signed a peace accord in March, and an amnesty bill for acts of war in the affected provinces was passed into law, despite objections that the CNDP was the primary beneficiary. The CNDP subsequently transformed itself into a political party under the leadership of Desire Kamandji.

In March, Congolese and UN forces began a military operation against the FDLR. As with previous campaigns, it led to severe suffering for civilians, including reprisal killings by the FDLR. In July, the United Nations estimated that a total of 400,000 people had been displaced in North Kivu and South Kivu provinces. The operation ended in December, but the Congolese army and the United Nations signed a new joint military operational order to begin in 2010.

Aside from the east, most parts of the country were relatively stable in 2009. However, large-scale violence broke out in October over fishing rights in the western province of Equateur, causing the displacement of approximately 70,000 people. All of the DRC has been devastated by the combined effects of war, economic crisis, and the breakdown of political and social institutions. At least four million people have died since fighting began in 1994, and humanitarian groups estimate that 1,000 people continue to die each day. Critical health and social services are nonexistent in many areas, and much of the country's infrastructure has disintegrated. Congo was ranked 176 out of 182 countries on the UN Development Programme's 2009 Human Development Index.

The DRC was granted access to the International Monetary Fund/World Bank Heavily Indebted Poor Countries (HIPC) initiative in 2003. Despite significant efforts to restore economic vitality, the economy has yet to improve. Kabila has tried to break with the tradition of printing money to meet budget shortfalls, but there have been reports that the central bank has counterfeited its own currency. In 2008, the state signed a loan deal worth close to \$9 billion with China's Exim Bank. In return, China obtained a significant stake in a joint venture with Gecamines, the state mining company, as well as rights to two large mining concessions. The opaque terms of this agreement as well as the debt it entails have impeded negotiations between the government and the International Monetary Fund over a new Poverty Reduction and Growth Facility.

### **Political Rights and Civil Liberties**

The DRC is not an electoral democracy. Though the 2006 elections were a significant improvement over previous voting, serious problems remained. The opposition Union for Social Democracy and Progress (UDPS) party did not participate as a result of its call for a boycott of the constitutional referendum, international observers noted voter registration irregularities, and the campaign period included clashes between opposition militants and government forces as well as an attempt on opposition leader Jean-Pierre Bemba's life. The 2007 Senate elections were marred by allegations of vote buying. Local elections initially scheduled for 2008 have been delayed until at least 2010. Voter registration began in June 2009, but no election date was set.

Under the new constitution, the president is elected to a five-year term, which is renewable once. The president nominates a prime minister from the leading party or coalition in the 500-seat National Assembly, the lower house of the bicameral

legislature, whose members are popularly elected to serve five-year terms. The provincial assemblies elect the upper house, the 108-seat Senate, as well as the provincial governors, for five-year terms.

Of the approximately 247 registered political parties, only a dozen have broad representation. President Joseph Kabila's coalition, the AMP, currently holds 332 seats in the National Assembly and 58 in the Senate. The 2007 exile of Bemba, whose MLC is the largest opposition party, represented a severe blow to political pluralism.

Opposition politicians have increasingly faced violence and harassment. In 2008, MLC politician Daniel Botethi was killed in Kinshasa. A military tribunal sentenced three soldiers to death in connection with his murder, and one of those convicted initially claimed that the Kinshasa governor had ordered the killing. In March 2009, Norbert Luyeye Binzungu, the leader of a small opposition party, the Union of Republicans, was arrested after organizing a peaceful demonstration against the presence of foreign troops in the DRC. Another opposition leader, Gabriel Mokia of the Congolese Democratic Party, was imprisoned in April after criticizing the government during a televised debate. The mounting pressure on opposition figures has raised concerns that Kabila is leading the DRC back toward a highly centralized presidential system that allows no more than the formalities of representative governance.

Corruption is rampant in the DRC, particularly in the mining sector. The country ranked 182 out of 183 countries in the World Bank's 2010 Doing Business survey, and 162 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index. In 2006, the government approved new investment and mining codes and established a commercial court to protect foreign investment. The National Assembly's Lutundula Commission implicated a number of senior officials in corruption that year, some of whom were fired. In 2007, Kabila bowed to international pressure and announced a review of 61 mining contracts with foreign companies, but rejected calls for independent oversight. The first stage of the mining review was completed in 2008, and the government noted that 26 contracts required renegotiation and 21 faced termination. In 2009, the government began completing negotiations of new contracts and revisions of contract terms. Separately, the government in 2008 announced the results of a World Bank-backed, three-year review of logging contracts, stating that it would cancel more than two-thirds of the contracts and continue a moratorium on logging deals for another three years.

Although guaranteed by the constitution, freedoms of speech and expression are limited. Independent journalists are frequently threatened, arrested, and attacked, and have occasionally been killed. Radio is the dominant medium in the country, which suffers from low literacy rates and limited access to television. The United Nations and a Swiss-based organization, Fondation Hirondelle, launched Radio Okapi in 2002 to provide independent news. The government banned 40 television and radio stations for improper licenses in 2007, and more were banned in 2008. In July 2009, the government banned transmission of the French public radio station Radio France Internationale (RFI). Radio Start news presenter Bruno Koko Chirambiza was killed in August in Bukavu, South Kivu province, making him the third journalist to be murdered in the city in as many years. In addition, three female radio journalists in Bukavu received death threats in September. The government does not restrict access to the internet, but it is limited by poor infrastructure.

The constitution guarantees religious freedom, which is generally respected in practice, although religious groups must register with the government to be recognized. In early 2008, the national police carried out operations against Bundu Dia Kongo (BDK), a politico-religious movement based in Bas-Congo province. More than 150 BDK members were arrested and at least 100 people were killed. The United Nations called for an investigation into these incidents, which the government rejected. Nine of the arrested BDK members were sentenced to death, and four others died while in detention. The government also designated the movement illegal. Academic freedom is restricted by fears of government harassment, which often lead university professors to engage in self-censorship.

The rights to freedom of assembly and association are limited under the pretext of maintaining public order, and groups holding public events must inform local authorities in advance. Nongovernmental organizations (NGOs) are able to operate, but they face pressure from the government and nonstate actors if they offend powerful interests. In March 2009, three human rights defenders – Floribert Chebeya Bahizire, Dolly Inefo Mbunga, and Donat Tshikaya – were arrested and held incommunicado for 48 hours after calling for a protest against the AMP's attempts to force Vital Kamerhe to resign. Also during the year, the president of the human rights group ASADHO-Katanga, Golden Misabiko, was sentenced to one year in jail after the organization published a report alleging official kickbacks from illegal mining. Labor unions, though legal, exist only in urban areas and are largely inactive. Some unions are affiliated with political parties, and labor leaders and activists have faced harassment. In 2008, there were strikes by transport workers, health workers, teachers, and magistrates, who were concerned about low salaries and delayed remuneration. In January 2009, trade union leader Pepe Nginamau Malaba was arrested and charged with falsifying documents after he wrote a memorandum alleging the embezzlement of public money by the minister of national economy and trade.

Despite guarantees of independence, the judiciary remains subject to corruption and manipulation, and the court system lacks both trained personnel and resources. In July 2009, the president dismissed 165 prosecutors and magistrates, including the first president of the Supreme Court, for abuse of office. Kabila's role in the replacement process has been a source of concern. Prison conditions are often abysmal, and long periods of pretrial detention are common. In a landmark ruling in March 2009, a military court convicted a Mai Mai militia leader, Gedeon Kyungu Mutanga, and 20 other Mai Mai fighters for crimes against humanity in addition to finding the government responsible for not disarming the Mai Mai. However, most government and government-allied forces still enjoy apparent impunity for even the most heinous crimes.

The International Criminal Court (ICC) continues to pursue cases in the DRC, including those against rebel leaders Mathieu Ngudjolo Chui, Thomas Lubanga, and Germain Katanga, as well as exiled opposition leader Jean-Pierre Bemba, who was transferred to the ICC in 2008. The trials of Bemba and Lubanga began in early 2009; the latter is particularly notable as the first international prosecution treating the use of child soldiers as a war crime. The ICC also issued a warrant in 2008 for the arrest of Jean-Bosco Ntaganda, who replaced Laurent Nkunda as CNDP military chief of staff in January 2009. The Congolese authorities have yet to arrest Ntaganda.

Civilian authorities do not maintain effective control of the security forces. Soldiers and police regularly commit serious human rights abuses, including rape. Human Rights Watch identified 250 cases of rape between January and May 2009, 143 of which were reportedly committed by army soldiers. Low pay and inadequate provisions commonly lead soldiers to seize goods from civilians, and demobilized combatants have not been successfully integrated into the civilian economy. The incorporation of former rebel groups into the military has resulted in competing chains of command and factional conflicts, with many fighters answering to former commanders and political leaders rather than their formal superiors. In 2009, an estimated 12,000 CNDP and other rebel fighters were rapidly integrated into the military.

Societal discrimination based on ethnicity is practiced widely among the country's 200 ethnic groups, particularly against indigenous Pygmy tribes and the Congolese Banyamulenge Tutsis. The ongoing fighting in the eastern Kivu region is driven in part by ethnic rivalries.

Although the law provides for freedom of movement, security forces seeking bribes or travel permits restrict it in practice, and foreigners must regularly submit to immigration controls when traveling internally. In conflict zones, various armed groups and soldiers have seized private property and destroyed homes.

Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas, where there is little government presence. Violence

against women, including rape and sexual slavery, has soared since fighting began in 1994. Congolese women are also subjugated as agricultural laborers, and armed groups regularly loot their harvests. Abortion is prohibited. Save the Children has ranked the DRC among the world's five worst conflict zones in which to be a woman or child. The number of children abducted to serve as soldiers continues to increase.

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*\*Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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